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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,927	09/28/2005	Frank Sansevcro	60429-234; OT-5276LAB	3758
64779	7590	09/05/2007		
CARLSON GASKEY & OLDS 400 W MAPLE STE 350 BIRMINGHAM, MI 48009			EXAMINER PRAKASAM, RAMYA G	
			ART UNIT 3651	PAPER NUMBER
			MAIL DATE 09/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,927	<b>Applicant(s)</b> SANSEVERO ET AL.	
	<b>Examiner</b> Ramya G. Prakasam	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-3, 8-16 and 20-30 is/are rejected.
- 7) ☐ Claim(s) 4-7 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The amendment filed on 6/11/2007 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### *Claim Rejections - 35 USC § 102*

3. Claims 1-2, 8, 10-11, 13-15, 20 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Mehler (U.S. Patent No. 5,782,330).

Mehler discloses a device for use with a passenger conveyor comprising:

- ☐ A display that provides a visible indication of a direction of movement of the conveyor (36 traffic light – indicates which direction can enter the conveyor), and a variable, visible indication of maintenance information regarding the conveyor (44 – display markings to indicate operational status).
- ☐ Wherein the display operates in a first mode to provide the direction indication and a second mode to provide the maintenance information (See Column 3, lines 46-67).
- ☐ Including at least one switch supported near the second display panel, the switch being actuable to selectively view available maintenance information (42 – selectively view a vertical green line versus a horizontal red line).
- ☐ A controller that controls the display (38) and wherein the controller automatically sets the indication to correspond to a direction of movement of the conveyor or the maintenance information (See Column 4, lines 1-17).
- ☐ Wherein the controller uses information regarding an operation of a machine of the conveyor to determine the corresponding indication (See Column 4, lines 1-17).

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- A plurality of steps that are moveable along a selected path between two landings (12 – See Figure 1)
- A machine that selectively moves the steps (See Column 4, lines 1-17).
- Wherein the indication of a direction of movement is distinct and separate from the indication of maintenance information (See Figures – the indication of direction is a traffic light that is located at a separate location from the display markings)

***Claim Rejections - 35 USC § 103***

4. Claims 3, 12, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Williams (U.S. Patent Application Publication No. 2003/0000798).

Mehlert discloses all claimed limitations, including a first display panel that provides at least the direction indication, and a second panel, which includes a control unit, operable to control the operation of the escalator. Mehlert, however fails to disclose a second panel that displays provides at least some of the maintenance information and that the maintenance information be at least one of a fault code indicator, operation time information, energy consumption information or maintenance history information. Williams provides an escalator control unit (12) that is installed with a monitor display (246) for the purpose of displaying indicators for present and historical faults (ie maintenance history information) (See Paragraph 56). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehlert by including on the second panel control unit a monitor display for the purpose of displaying indicators for present and historical faults.

5. Claims 9, 21, and 23-27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Zaharia (U.S. Patent No. 5,708,416).

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Mehlert discloses all claimed limitations, except for the use of a wireless transmitter. Zaharia discloses the use of a wireless transmitter (30) for the purpose of remotely controlling the escalator and its components as necessary (See Column 3, lines 30-46). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehlert by utilizing a wireless transmitter for the purpose of remotely controller the escalator and its components, including the display panel.

6. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mehlert in view of Saito (U.S. Patent No. 4,798,274).

Mehlert discloses all claimed limitations, except for a display that is supported on the passenger conveyor structure. Saito discloses a display that is supported on the passenger conveyor structure for the purpose of providing a safe means of indication to passengers of direction information (See Column 2, lines 32-68). It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify Mehlert by utilizing a display that is supported on the passenger conveyor structure for the purpose of providing a safe means of indication to passengers of direction information.

***Allowable Subject Matter***

7. Claims 4-7 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Claims 3 and 17 provide that the first display panel that provides direction indication and the second display panel that provides at least some of the maintenance information are supported

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for movement relative to the support between a first position where the first panel is visible and a second position where the second panel is visible (such that the two panels are on opposite sides). These limitations, in combination with the other limitations in the claims, were not found in the relevant prior art.

***Response to Arguments***

9. Applicant's arguments filed on 6/11/2007 have been fully considered but they are not persuasive.

10. With regards to applicant's argument that Mehler does not disclose a variable, visible indication of maintenance information regarding the conveyor, 44 provides the operational status of the conveyor, including whether the conveyor is currently running or whether it is stopped. Applicant fails to indicate the specific types of maintenance information, and maintenance can be defined as the act of maintaining, and maintain can be defined as to carry on or continue. WEBSTERS II DICTIONARY 429 (3<sup>rd</sup> ed. 2005). In this particular case, information as to the operational status of the conveyor can be considered maintenance information, seeing as though it indicates whether the conveyor is still running or whether it is stopped. Therefore, this limitation is in fact disclosed.

11. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

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In this case, it would have been obvious to a person of ordinary skill in the art to combine the references for the reasons provided in the action.

12. With regards to applicant's argument that Mehler's indications are separate and distinct, as seen in the figures, while located near each other, the indications are separate and distinct, and described in Column 3, lines 46-67. Therefore, this limitation is also disclosed.

13. For the foregoing reasons, the claims stand rejected.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

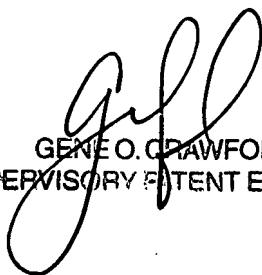
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/30/2007

RGP

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER